IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 08-03-2006

Coram:
The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice J.A.K. SAMPATHKUMAR

Writ Appeal No. 2664 of 1999

Tmt. Nirmala. .. Appellant/Petitioner/Petitioner.

Vs.

The Tamil Nadu Housing Board,
represented by its
Managing Director, Nandanam,
Chennai-35. .. Respondent/Respondent/Respondent.

Writ Appeal filed u/clause 15 of the Letters Patent against order of dismissal passed in Writ Peitition Misc., Petition No. 28195 of 1999 in Writ Petition No. 2941 of 1996 Dated 15-12-1999 passed by Single Judge.

Mr. R. Arvind:- For Appellant.

Mr. D. Veerasekaran:- For Respondent.

JUDGMENT
(Judgment of Court was made by P. Sathasivam, J.,)

The above Writ Appeal has been filed against the order of learned Single Judge dated 15-12-1999 made in W.P.M.P.No. 28195/99 in Writ Petition No. 2941/1996 in and by which the learned Judge after finding that twice the petitioenr was absent, dismissed the said petition for default.

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2. Heard learned counsel for petitioner as well as respondent/Housing Board.

3. We are not appreciating the conduct of the petitioner/appellant in not taking care of the progress of his miscellaneous petition twice. In the light of the reason stated in the affidavit filed in support of W.P.M.P.No. 28195/99 and considering the grievance expressed therein, we intend to give one more opportunity

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to her. Considering the issue raised in the Writ Petition and of the fact that the same is pending from the year 1996 and also taking note of the fact that against the order of the learned Judge dated 24-8-99, the writ petitioner obtained an order of injunction on 28-12-99 before the Division Bench, we pass the following order:

1) The order dated 15-12-99 made in W.P.M.P.No. 28195 of 1999 in Writ Petition No. 2941 of 1996 is set aside. The injunction granted by the Division Bench on 28-12-99 shall continue till final order being passed in the writ petition. It is brought to our notice that the Writ Petition was once listed before a learned Judge. Considering this fact as well as the fact that the same is of the year 1996, we direct the Registry to include immediately the main Writ Petition No. 2941/96 before the learned Judge dealing with the subject for final hearing. Writ Appeal is allowed on the above terms.

R.B.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Registrar (Judicial), High Court, Madras.

2. The Managing Director,
   The Tamilnadu Housing Board,
   Nandanam, Chennai-35.

Copy to:
The Section Officer Writ Section, High Court, Madras

+ one cc to Mr. R. Arvind, Advocate, sr no. 11265
+ one cc to Mr. D. Veerasekaran, Advocate for TNEB SR NO. 11742

VC(CO)
NM(13.03.2006)

Judgment in
Writ Appeal No.2664 of 1999

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